

Alexandre et al. v. The New York City Taxi and Limousine Commission et al.
07 Civ. 8175 (RMB)

EXHIBIT C

NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Final Rule Promulgation

Notice is hereby given in accordance with Section 1043(b) of the New York City Charter, that the Taxi and Limousine Commission ("TLC") amends the Rules Governing Taxicab Specifications to require that taxicabs be equipped with equipment to transmit vehicle location and trip data electronically, to provide text messaging to drivers, to provide a passenger information monitor, and to accept credit and debit cards as payment for fares.

These regulations are promulgated pursuant to the authority vested in the TLC under Charter Sections 2303(a) and 2303(b)(6); and under Section 19-503(a) of the Administrative Code of the City of New York.

A public hearing in connection with these regulations was held by the NYC Taxi and Limousine Commission on March 30, 2004 at 40 Rector Street, Fifth Floor, New York, NY 10006.

Section 1. Title 35 of the Rules of the City of New York, Chapter 3, Taxicab Specifications on or after March 1, 1996, paragraph 3-03, subdivision (e), is amended by the addition of new subparagraphs (7) and (8) to read as follows:

Italics indicate new material.

(7) Credit Card Acceptance Capability. Each taxicab placed into service on or after November 1, 2005 and each taxicab placed into service prior to November 1, 2005 and which is scheduled to appear at the Taxi and Limousine Commission Centralized Inspection Facility on or after November 1, 2005 must be capable of accepting major credit cards and debit cards as payment for fares.

(8) Text Message Equipment. Each taxicab placed into service on or after November 1, 2005 and each taxicab placed into service prior to November 1, 2005 and which is scheduled to appear at the Taxi and Limousine Commission Centralized Inspection Facility on or after November 1, 2005, must be equipped with equipment recommended by the Chairperson and approved by the Commission capable of enabling the driver to receive text messages in a format approved by the Commission. No Text Message Equipment shall be installed unless it has been approved by the Commission, based upon a determination that the equipment conforms with the specifications as set forth herein, meets appropriate safety standards, and fulfills the intended purposes for such equipment.

Section 2. Title 35 of the Rules of the City of New York, Chapter 3, Taxicab Specifications, is amended by the addition of a new section 3-06, Specifications for the Collection and Transmission of Required Trip Data, to read as follows:

Italics indicate new material.

§ 3-06. Specifications for the Collection and Transmission of Required Trip Data.

(a) All new vehicles placed in service on or after November 1, 2005 and all vehicles which are scheduled to appear at the Taxi and Limousine Commission Centralized Inspection Facility on or after November 1, 2005, shall comply with the data collection and transmission requirements of this Section.

- (b) *Each taxicab shall be capable of transmitting data to the Commission or its designated repository at pre-determined intervals recommended by the Chairperson and established by the Commission. All transmissions shall be in a format and manner approved by the Commission. The data to be transmitted shall include the taxicab license number; the taxicab driver's license number; the location of trip initiation; the time of trip initiation; the number of passengers; the location of trip termination; the time of trip termination; the metered fare for the trip; and the distance of the trip. All data transmitted to TLC will be sent in a secure format as recommended by the Chairperson and approved by the Commission.*
- (c) *To the extent necessary to facilitate data transfer, the Commission may mandate that each taxicab be equipped with external antennas.*
- (d) *No equipment designed to comply with the provisions of this section shall be installed unless it has been approved by the Commission, based upon a determination that the unit and equipment conforms with the specifications as set forth herein, is safe, and fulfills the intended purposes for such equipment.*

Section 3. Title 35 of the Rules of the City of New York, Chapter 1, Taxicab Owners Rules, section 1-11, Vehicle Condition, is amended by the addition of new subdivisions (e) and (f), to read as follows:

Italics indicate proposed material.

- (e) For any taxicab that is required to be equipped with data collection and transmission equipment pursuant to section 3-06 of this Title, such equipment shall at all times be in good working order.
- (f) *For any taxicab that is required to be equipped with Passenger Information Monitor equipment pursuant to section 3-07 of this Title, such equipment shall at all times be in good working order.*

Section 4. Title 35 of the Rules of the City of New York, Chapter 3, Taxicab Specifications, is amended by the addition of a new section 3-07, Passenger Information Monitor, to read as follows:

Italics indicate new material.

§ 3-07. Passenger Information Monitor

(a) All new vehicles placed in service on or after November 1, 2005, and all vehicles which are scheduled to appear at the Taxi and Limousine Commission Centralized Inspection Facility on or after November 1, 2005, shall be equipped with a Passenger Information Monitor which meets the requirements of this section.

(b) The Passenger Information Monitor shall have the following minimum specifications or capabilities:

- (i) Provide the passenger sitting in the rear of the vehicle with an unobstructed view of the monitor;*
- (ii) Be of a size and construction, and placed in a location recommended by the Chairperson and approved by the Commission;*
- (iii) Provide information that shall include, a map recommended by the Chairperson and approved by the Commission that indicates the current location of the vehicle as well as the route the vehicle has traveled from the point of trip initiation and any other information that is required by the Commission;*
- (iv) The capability for the passenger to turn off the monitor to a blank screen without illumination, except for any such required information as designated by the Commission, which may remain visible or illuminated for all or a portion of the passenger trip.*

(c) No Passenger Information Monitor or related equipment shall be installed unless it has been recommended by the Chairperson and approved by the Commission, based upon a determination that the unit and equipment conforms with the specifications as set forth herein, meets appropriate safety standards, and fulfills the intended purposes for such equipment.

Section 5. Title 35 of the Rules of the City of New York, Chapter 1, Taxicab Owners Rules, section 1-86, Penalties for Violation of Rules Governing Owners of Medallion Taxicabs, is amended to add a new penalty for the violation of proposed subdivision 1-11(e) as follows:

Italics indicate new material.

Section 1-86. Penalties for Violation of Rules Governing Owners of Medallion Taxicabs

RULE NO.	PENALTY	PERSONAL APPEARANCE REQUIRED
<i>1-11(e) & (f)</i>	<i>\$100 and suspension of the medallion until the defective condition is corrected.</i>	<i>No</i>

Section 6. Title 35 of the Rules of the City of New York, Chapter 2, Taxicab Driver's Rules, Section 2-27, Items Which Must be Present in a Taxicab, subdivision (a), paragraph (1) is amended to read as follows to read as follows:

[Brackets indicate deleted material].

Italics indicate new material.

(a) A driver shall not operate a taxicab unless the following are present in the taxicab:

(1) Operable data collection and transmission equipment as described in Section 3-06 of the Taxicab Specifications, if required pursuant to these rules. If the taxicab is not required to be equipped with data collection and transmission equipment as described in Section 3-06 of the Taxicab Specifications which has been approved by and meets all of the requirements of the Commission, then the driver must maintain a [the] trip record also known as a "trip sheet", containing

the medallion number, the date and time of dispatch, the driver's name and taxicab driver's license number, the taximeter's reading at the start of the workshift.

Section 7. Title 35 of the Rules of the City of New York, Chapter 2, Taxicab Driver's Rules, Section 2-32, *If Taximeter or Credit /Debit Card Acceptance Equipment Becomes Defective During Shift*, subdivision (a), is amended to read as follows:

Italics indicate new material.

- (a) A driver shall not pick up or transport a passenger when the taximeter is defective, until it has been repaired at a licensed taximeter shop or replaced by such shop with a taximeter which has been inspected, sealed and approved within the preceding twelve (12) months. *If the taximeter is designed or equipped to accept credit or debit card payments for fares, a driver may not pick up or transport a passenger when the taximeter is incapable of accepting or processing credit or debit card transactions. A driver may not refuse to accept credit or debit card payments from a passenger with a valid credit or debit card for which payment has been authorized by the issuing or servicing financial institution. In the event that the wireless payment equipment used to accept payment by credit and debit cards is inoperable at the destination of a trip as a result of a technical reason in the system's communication network and is not related to the equipment in the taxicab, the customer has the option of either (i) paying cash or (ii) requesting the taxicab driver continue to a location where the wireless payment system may communicate with its network. If a taximeter or its parts become defective during the driver's shift while a passenger is in the taxicab, the driver shall immediately notify the passenger and offer him the option of continuing the trip with a mutually agreed upon reasonable fare, or terminating the trip and paying the fare shown on the taximeter to that point.*

Statement of Basis and Purpose

The regulations promulgated herein by the New York City Taxi and Limousine Commission ("TLC") are authorized under Section 2303(a) of the Charter of the City of New York, which empowers the TLC to regulate and supervise the business and industry of transportation of persons by licensed vehicles for-hire in the City, under Section 2303(b)(6) of such Charter, authorizing the TLC to adopt regulations relating to taxicab safety, design and comfort; and section 19-503(a) of the Administrative Code, authorizing the TLC to promulgate regulations necessary to exercise the authority conferred upon it under the Charter.

The TLC amends the Taxicab Specifications to require that each taxicab be equipped with equipment which would enable the TLC to receive and collect trip data electronically from a taxicab. In addition, each taxicab is required to be capable of accepting major credit and debit cards from customers as an acceptable means of payment. These rules also require that each taxicab be equipped with a device to enable drivers to receive text messages, as well as a display map which would convey route and trip location information to passengers. Such technology will provide a number of advantages to the City, the industry and the riding public.

This technology will enable the TLC to locate each taxicab at a given time and will assist in the recovery of lost property. The TLC receives, on average, more than 1,000 lost property reports each month. Currently, the TLC has no real-time method of communicating with the drivers of vehicles in which property was lost. A system that enables the TLC to promptly identify the vehicle in which the property was lost, and communicate quickly with the driver, will improve the chances that such property would be recovered.

Technology is available to replace the hand-written trip sheets with an automatic data collection system. An automated collection of trip information, such as the date, time and location of each passenger pick-up and discharge, the number of passengers as well as the metered fare paid will provide a valuable resource for statistical purposes. The potential benefits of centralized data can include complex analysis of taxicab activity in the five boroughs for policy purposes, as well as the additional benefit of aiding in the recovery of lost property. In addition, a passenger monitor located in the rear of the taxicab will enable passengers to follow their route on a map.

The rules also require that each taxicab have credit and debt card acceptance capabilities. Most major cities throughout the world permit the payment of taxicab fares by credit and/or debit cards. At this time, no more than 600 of the more than 12,000 New York City taxicabs are equipped with taximeters that accept credit cards. Mandating credit/debit card acceptance will provide convenience to passengers by providing a cashless method of payment.

Since a period of time is needed to customize the technology necessary to equip each taxicab with the aforementioned enhancements this rule applies to vehicles placed into service or inspected after November 1, 2005.

Because of the evolving nature of these technologies, it is necessary to allow the Commission some flexibility to approve the best systems and devices to implement the changes contemplated by these rules. Accordingly, the Commission has requested that the Chair present suggestions for approval to facilitate development and implementation of these technologies.

The rule promulgated by the Commission was amended in light of comments received and testimony heard at the public hearing held on March 30th to clarify and expand the role of the TLC Board of Commissioners with respect to approving new equipment design and specifications for the manufacture and installation of equipment. Under these rules, the TLC Chair will make recommendations to the Commission with respect to the approval of taximeters and other technology systems that meet TLC specifications compatible with TLC internal software to ensure the uniform collection and processing of data, and the usability of transmitted data by the TLC.